

**STATEMENT OF BLAKE ORTNER  
DEPUTY GOVERNMENT RELATIONS DIRECTOR  
PARALYZED VETERANS OF AMERICA  
BEFORE THE  
HOUSE COMMITTEE ON VETERANS' AFFAIRS  
CONCERNING  
PENDING LEGISLATION**

**JANUARY 27, 2015**

Chairman Miller, Ranking Member Brown, and members of the Committee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to testify today on pending legislation before the Committee.

**H.R. 189, the “Servicemember Foreclosure Protection Extension Act of 2015”**

PVA supports H.R. 189, the “Servicemember Foreclosure Protection Extension Act of 2015.” It is our belief that the extension of this foreclosure protection should have been included with the other extenders that were passed in the 113th Congress and were inadvertently left out. While actions were taken to extend the provision to December 31, 2015, this critical safety measure is a necessary protection for our servicemembers and should not be allowed to expire this year.

**H.R. 216, the “Department of Veterans Affairs Budget Planning  
Reform Act of 2015”**

PVA generally supports the intent, however, we have concerns regarding H.R. 216, the “Department of Veterans Affairs Budget Planning Reform Act of 2015” similar to those

expressed in 2013 when PVA testified on a similar legislative discussion draft bill. This legislation would establish new planning and budgeting processes, as well as study and make organizational changes affecting VA's ability to develop and implement budgets and strategic plans. The legislation establishes five new processes to accomplish these purposes.

First, the legislation requires VA to develop and submit annually a Future-Years Veterans Program (FYVP), which is modeled after the Future-Years Defense Program (FYDP) and the Future-Years Homeland Security Program (FYHSP). The FYVP would lay out a five-year plan for meeting the nation's commitment to veterans as well as delineate the resources necessary to meet that commitment. The FYVP would include five-year estimates of the budget and appropriations levels on a program element basis in order to ensure that resources properly align with outcome-based plans and programs. The FYVP would be submitted concurrent with VA's annual budget submission and this legislation requires that it be consistent with funding requests contained in the Administration's budget submission. It also requires that the Future-Years Veterans Program be coordinated with the Quadrennial Veterans Review, which serves as the foundation for developing the FYVP's five-year plans.

Second, the legislation directs that not later than 2019 VA would be required to conduct a Quadrennial Veterans Review (QVR) every four years, modeled after the Quadrennial Defense Review (QDR) and Quadrennial Homeland Security Review (QHSR) currently required by law. The Quadrennial Veterans Review would study and report a strategy for meeting the nation's commitment to veterans and the resources required to meet that commitment. The QVR is intended to be a futures-based look at opportunities, challenges, policies and strategies related to meeting veterans needs. The report would also examine the priorities for veterans programs and assess the effectiveness of VA's organizational structure. The legislation also requires that VA conduct its review in consultation with other Federal agencies, as well as a wide range of stakeholders, "including State, local, and tribal government officials, members of Congress, Veterans

Service Organizations, private sector representatives, academics, and other policy experts.”

Third, the legislation would require the Secretary to annually provide certain policy guidance to VA planning, programming and budgeting officials throughout VA responsible for developing individual program budget recommendations. The policy guidance from the Secretary would be required to be based on the most recent QVR and FYVP, as well as estimates of the “resource levels projected to be available” in future years.

Fourth, the legislation requires the Secretary to designate the Assistant Secretary whose functions include planning, studies, and evaluations as the Chief Strategy Officer (CSO) of the Department. The CSO would have broad responsibilities for overseeing the planning, programming, budgeting and execution functions Department-wide, to include health care, benefit and cemetery programs. The CSO would have significant independent authority, reporting only to the Secretary or Deputy Secretary. The CSO’s responsibilities for budgeting appear to be on the same level as VA’s Chief Financial Officer (CFO), a role designated for the Assistant Secretary for Management. The CSO would be chiefly responsible for managing the new QVR, FYVP and policy guidance requirements contained in this legislation.

Fifth, the legislation requires VA to undertake a comprehensive one-year study of the organizational structure of the Secretary’s office and the Department as a whole. In addition, the legislation requires that an independent contractor conduct a parallel study of the organizational structure of the Secretary’s office and of the Department. The independent study would be included within the report submitted by the Secretary to Congress.

Long range strategic planning is vitally important and VA does and must continue to do so. VA annually prepares and submits to Congress and the public a *Performance and Accountability Report* to show how well VA’s strategic goals are being met through

regular assessment of objective criteria. In addition, VA's annual budget submission lays out in great detail the programs and policies designed to achieve VA's strategic goals, including analyses of resources dedicated to meeting each goal.

VA also supports two dozen ongoing advisory committees to provide outside perspectives on specific needs, such as for disability compensation, education, prosthetics, geriatrics, homeless veterans and women veterans. Congress has also authorized commissions and task forces from time-to-time to take comprehensive, in-depth looks at major issues or challenges, such as in mental health programs, disability benefits, vocational rehabilitation and health care funding, to name only a few. It is not yet clear how or if the creation of a Quadrennial Veterans Review would improve on these ongoing strategic planning processes. Would it ultimately combine, supplant, or supplement these activities?

Similarly, it is not clear whether the creation of a Future-Years Veterans Program would lead to either more transparent or more accurate budgets or appropriations. Although the QDR and QHR are readily available online, it does not appear that the FYDP or the FYHSP are similarly available. Although it is understandable that both DOD and DHS would keep classified programs' budgeting and planning information shielded from public view, there appears to be no part of their Future-Years Programs that is publicly available for review, even for their many unclassified programs and budgets. Will the information in the FYVP be transparent? Without the ability to review, we are challenged to determine how or whether this approach has changed their budgeting processes, and specifically whether the programs are better aligned with budgets and long-term plans.

Another significant unanswered question concerns the role of the Office of Management and Budget (OMB) in this new planning and budgeting process. Since the legislation requires that the Administration's budget be "consistent" with the FYVP budget estimates, would OMB have a direct or indirect ability to revise or constrain the budget and appropriations levels contained in the FYVP? In setting out "policy guidance" to the

individual program offices, the Secretary is required to inform them of “resource levels projected to be available” as they make their budget estimates; would these levels come directly or indirectly from OMB?

There are also questions about the creation of a new CSO inside VA. The language of the legislation would give the CSO significant independence in overseeing all, planning and programming throughout VA, including that done within the Veterans Health Administration (VHA), the Veterans Benefits Administration (VBA) and the National Cemetery Administration (NCA). Would the CSO have overlapping authority with the Under Secretaries of these administrations? How would the CSO and the CFO interact during preparation of VA’s budget; are they co-equal and how would disagreements between them be settled? Would this lead to greater harmony or conflict within VA’s budget formulation process?

We also have questions about the role of Veterans Service Organizations in the development of the QVR. The legislation requires VA to consult with a wide range of stakeholders, both governmental and nongovernmental. As organizations that have not only great interest in veterans policies, but great experience and expertise in dealing with them, we have concerns about whether this broad consultation process would dilute our input. While there is always a role for outside perspectives to ensure fresh thinking within public agencies, VSOs are not idle stakeholders; collectively we provide direct assistance to VA and veterans in many areas, and particularly in representing veterans in their claims for benefits and services. We all have service officers who work inside VA facilities and behind information technology (IT) firewalls, playing an integral role in the claims processing system and serving veterans as attorneys-in-fact. We are concerned about the potential of diminishing our influence and putting us on par with less interested, involved or informed stakeholders during the consultation process.

Although we have important questions about the effects of this legislation, the details of some of its provisions, and how it might be implemented, we have no questions about the sincere intentions of the sponsors. We agree that VA’s strategic planning and

budgeting processes ought to be consistently and openly aligned to achieve our shared goals in support of America's veterans. We also agree that more transparent, honest and detailed information can build greater confidence in VA, increase the effectiveness and efficiency of veterans programs, and improve the outcomes for veterans who need support, services and care. However, planning processes or structures in one agency are not necessarily appropriate for every other agency. History shows that Congressional intent is not always faithfully implemented. For all of the above reasons, we believe it is important to raise and resolve these questions and concerns now, to help prevent any unwanted and unintended negative consequences before this legislation were to move forward.

#### **H.R. 245**

PVA supports H.R. 245 to codify existing provisions of law relating to effective dates for claims, in particular, the informal claim procedures. While VA has always been willing to accept informal claims, there has been a desire by VA as part of its efforts to improve efficiency to reduce informal claims. While this is understandable, the most important issue is to provide for our veterans and support their claims due to service. In addition, as VA tries to reduce its claims backlog, there is a risk that they will begin to look for methods to avoid claims that may be more difficult to complete.

Due to the complicated process for submitting claims, PVA has always encouraged veterans to seek representation from Veterans Service Organizations to complete and submit a claim. Because veterans are not familiar with the process or simply do not realize the intricacies of claiming benefits, some may submit claims on their own which might simply consist of a letter presenting their case. PVA welcomes the provisions of H.R. 245 that will require the Secretary to provide the claimant with a claims application form when an informal claim is received. We support this not to help VA, but to provide the veteran an opportunity to submit a formal claim that will hopefully help them reach an adjudication more quickly and accurately. However, we also agree that if the veteran chooses not to submit the formal claim, that the informal claim continue with the same weight of law, unbiased consideration, and receipt date had it been a formal claim.

## **H.R. 280**

PVA is not opposed to the provisions of H.R. 280, and believes giving the Secretary some kind of leverage to hold senior staff more accountable is valuable. It is also important to note that while bonuses are ostensibly rewards for a job well done, they can also incentivize bad behavior. The ability to force VA employees to repay them after the fact may help limit this behavior. However, it is critical that the Secretary not enjoy carte blanche authority to strip bonuses. This is where we have some concern.

Of particular concern is the timeframe for the Secretary to exercise the action to recoup a bonus. Is there a limit on how many years in the past the Secretary can reach? PVA does not believe that this authority should continue in perpetuity, but be of sufficient length to ensure that behavior discovered in the future can be acted upon. We admit we do not know what this timeframe should be. But a greater concern is that a Secretary for a future administration may take actions to recoup bonuses from an employee due to political or policy changes. Let us also be clear, we do not feel that this limit should apply in cases of clear fraud or criminal activity.

A second concern regards the rights of the employee for a review of the recoupment. The legislation indicates that the employee be afforded an opportunity for a hearing conducted by the Secretary. PVA is not certain this is the best nor most fair venue for the review as it would establish the Secretary as the arbiter of his or her own decision. PVA supports the intent of the legislation, but wishes to be sure it will be applied fairly, appropriately and with due process protections for VA employees.

## **H.R. 294, the “Long-Term Care Veterans Choice Act”**

PVA generally supports H.R. 294, the “Long-Term Care Veterans Choice Act.” This bill proposes to amend title 38, United States Code to authorize the Department of Veterans Affairs (VA) to enter into contracts or agreements for the transfer of veterans to non-VA adult foster homes for certain veterans who are unable to live independently. PVA believes that VA’s primary obligation involving long-term support services is to provide veterans with quality medical care in a healthy and safe environment.

As it relates to veterans with a catastrophic injury or disability, it is PVA's position that adult foster homes are only appropriate for disabled veterans who do not require regular monitoring by licensed providers, but rather have a catastrophic injury or disability and are able to sustain a high level of independence. When these veterans are transferred to adult foster homes, care coordination with VA specialized systems of care is vital to the veterans' overall health and well-being. The drafted text of this bill requires the veteran to receive VA home health services as a condition to be transferred. As such, PVA believes that if a veteran with a spinal cord injury or disorder (SCI/D) is eligible and willing to be transferred to an adult foster home, the VA must have an established system in place that requires the VA home based primary care team to coordinate care with the VA SCI/D Center and the SCI/D primary care team that is within the closest proximity to the adult foster home. When caring for a veteran with a catastrophic injury or disability this specialized expertise is extremely important to prevent and treat associated illnesses that can quickly manifest and jeopardize the health of the veteran.

When catastrophically injured or disabled veterans who receive services from one of the VA's specialized systems of care are placed in a non-VA adult foster home they must be regularly evaluated by specialized providers who are trained to meet the needs of their specific conditions. PVA also believes that as this draft legislation is aptly titled the, "Long Term Care Veterans Choice Act," veterans should only be transferred from a VA facility to a non-VA adult foster home with the full consent of the veteran, pursuant to title 38 U.S.C., Section 1710A(b)(1).

Mr. Chairman and members of the Committee, we appreciate your commitment to ensuring that veterans receive the best health care available. We also appreciate the fact that this Committee has functioned in a generally bipartisan manner over the years. We look forward to working with the Committee as we continue to provide the best care for our veterans.

This concludes my statement. I would be happy to answer any questions that you may have.



### **Information Required by Rule XI 2(g)(4) of the House of Representatives**

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

#### ***Fiscal Year 2014***

No federal grants or contracts received.

#### ***Fiscal Year 2013***

National Council on Disability — Contract for Services — \$35,000.

### **Disclosure of Foreign Payments**

“Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.”

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Blake Ortner is the Deputy Government Relations Director with Paralyzed Veterans of America (PVA) at PVA's National Office in Washington, D.C. He is responsible for federal legislation and government relations, as well as veterans' budget, benefits and appropriations analysis. He has represented PVA to federal agencies including the Department of Labor, Office of Personnel Management, Department of Defense, HUD and the VA. In addition, he is PVA's representative on issues such as Gulf War Illness and he coordinates issues with other Veteran Service Organizations.

He has served as the Chair for the Subcommittee on Disabled Veterans (SODV) of the President's Committee on the Employment of People with Disabilities (PCEPD) and was a member of the Department of Labor's Advisory Committee on Veterans' Employment and Training (VETS) and the Veterans Organizations Homeless Council (VOHC).

A native of Moorhead, Minnesota, he attended the University of Minnesota in Minneapolis on an Army Reserve Officer Training Corps (ROTC) scholarship. He graduated in 1983 with an International Relations degree and was commissioned as a Regular Army Infantry Second Lieutenant. He was stationed at Ft. Lewis, WA, where he served with the 9<sup>th</sup> Infantry Division and the Army's elite 2<sup>nd</sup> Ranger Battalion. He left active duty in September 1987.

He continues his military service as a Brigadier General in the Virginia Army National Guard and is a 2010 graduate of the US Army War College. From 2001-2002, he served as Chief of Operations - Multi-National Division North for peacekeeping missions in Bosnia-Herzegovina, from 2004-2005 he commanded an Infantry Battalion Task Force in Afghanistan earning 2 Bronze Star Medals, from 2007 to 2008 he served in Iraq as the Chief of Operations - Multi-National Force – Iraq earning a Bronze Star Medal and a Joint Commendation Medal, and from 2011-2012 he commanded a NATO Infantry Brigade Combined Combat Team in Afghanistan earning a Bronze Star Medal and Meritorious Unit Citation. Additional awards include the Legion of Merit, the Combat Infantryman Badge, Combat Action Badge, Ranger Tab, Military Free Fall Parachutist Badge and the Parachutist Badge. He currently serves as the Assistant Division Commander of the 29<sup>th</sup> Infantry Division for the Virginia Army National Guard.

Mr. Ortner resides in Stafford, VA with his wife Kristen, daughter Erika and son Alexander.